

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Goldman et al.

Group Art Unit: Unassigned

Application No. 10/089,009

Examiner: Unassigned

Filed: March 25, 2002

For: INTERLEUKIN-2 RECEPTOR
ASSOCIATED POLYPEPTIDES

RECEIVED

MAY 09 2003

INFORMATION DISCLOSURE STATEMENT

TECH CENTER 1600/290C

Commissioner for Patents
Washington, D.C. 20231

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

or

☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- ☒ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).

- ☒ A copy of the foreign search report is enclosed herewith.

- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

In re Appln. of Goldman et al.
U.S. Patent Appln. No. 10/089,009

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☒ No fee is owed by the applicant(s).
- ☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$.
- ☐ Charge Deposit Account No. 12-1216 in the amount of \$. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees


- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of Goldman et al.
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Instructions as to Overpayment

☒
☐

Credit Account No. 12-1216.
Refund


Carol Larcher, Reg. No. 35,243
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
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Date: March 25, 2003

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference NIH-05071	FOR FURTHER ACTION <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small>	
International application No. PCT/US 00/25963	International filing date (day/month/year) 21/09/2000	(Earliest) Priority Date (day/month/year) 24/09/1999
Applicant THE UNITED STATES OF AMERICA, as represented by TH		
<p>This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.</p> <p>This International Search Report consists of a total of <u>4</u> sheets. <input checked="" type="checkbox"/> It is also accompanied by a copy of each prior art document cited in this report.</p>		
<p>1. Basis of the report</p> <p>a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p style="margin-left: 20px;"><input type="checkbox"/> the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).</p> <p>b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:</p> <p style="margin-left: 20px;"> <input type="checkbox"/> contained in the international application in written form. <input type="checkbox"/> filed together with the international application in computer readable form. <input type="checkbox"/> furnished subsequently to this Authority in written form. <input type="checkbox"/> furnished subsequently to this Authority in computer readable form. <input type="checkbox"/> the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. <input type="checkbox"/> the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished. </p> <p>2. <input type="checkbox"/> Certain claims were found unsearchable (See Box I).</p> <p>3. <input type="checkbox"/> Unity of invention is lacking (see Box II).</p> <p>4. With regard to the title,</p> <p style="margin-left: 20px;"> <input checked="" type="checkbox"/> the text is approved as submitted by the applicant. <input type="checkbox"/> the text has been established by this Authority to read as follows: </p> <p>5. With regard to the abstract,</p> <p style="margin-left: 20px;"> <input checked="" type="checkbox"/> the text is approved as submitted by the applicant. <input type="checkbox"/> the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority. </p> <p>6. The figure of the drawings to be published with the abstract is Figure No.</p> <p style="margin-left: 20px;"> <input type="checkbox"/> as suggested by the applicant. <input type="checkbox"/> because the applicant failed to suggest a figure. <input type="checkbox"/> because this figure better characterizes the invention. </p> <p style="text-align: right; margin-right: 50px;"><input checked="" type="checkbox"/> None of the figures.</p>		

INT' NATIONAL SEARCH REPORT

International Application No.
PCT/US 00/25963

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C07K14/715 C07K16/28 A61K38/17 A61K39/395 G01N33/68

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07K A61K G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	EP 0 162 699 A (IMMUNEX CORP) 27 November 1985 (1985-11-27) claims; examples --- -/--	9,15 1-8, 10-21

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance, the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance, the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

S document member of the same patent family

Date of the actual completion of the international search

24 July 2001

Date of mailing of the international search report

06/08/2001

Name and mailing address of the ISA

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Fax: (+31-70) 340-3016

Authorized officer

Le Cornec, N

INT NATIONAL SEARCH REPORT

International Application No
PCT/US 00/25963

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	TOSHIKAZU TAKESHITA ET AL: "An associated molecule, p64, with IL-2 receptor beta chain. Its possible involvement in the formation of the functional intermediate-Affinity IL-2 Receptor complex" JOURNAL OF IMMUNOLOGY., vol. 148, no. 7, 1 April 1992 (1992-04-01), pages 2154-2158, XP002169168 THE WILLIAMS AND WILKINS CO. BALTIMORE., US ISSN: 0022-1767	9,15
A	the whole document	1-8, 10-21
A	----- WALDMANN T A: "MULTICHAIN INTERLEUKIN-2 RECEPTOR: A TARGET FOR IMMUNOTHERAPY IN LYMPHOMA" JOURNAL OF THE NATIONAL CANCER INSTITUTE,US,US DEPT. OF HEALTH, EDUCATION AND WELFARE, PUBLIC HEALTH, vol. 81, no. 12, 1989, pages 914-923, XP000915779 ISSN: 0027-8874 The whole document especially page 917, left column, second paragraph	1-21
A	----- WO 96 21732 A (BOEHRINGER INGELHEIM INT ;TANIGUCHI TADATSUGU (JP); SHIBUYA HIROSH) 18 July 1996 (1996-07-18) the whole document claims	1-21

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 00/25963

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 18-21 are directed to a method of treatment of the human/animal body (rule 39.1 IV PCT), the search has been carried out and based on the alleged effects of the compound/composition.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INT NATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/25963

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0162699 A	27-11-1985	US 4578335 A	25-03-1986
		AT 69619 T	15-12-1991
		AU 587187 B	10-08-1989
		AU 4249685 A	28-11-1985
		CA 1339269 A	12-08-1997
		DE 3584689 A	02-01-1992
		JP 61056083 A	20-03-1986
		JP 6192294 A	12-07-1994
		US 4845198 A	04-07-1989
WO 9621732 A	18-07-1996	US 5317087 A	31-05-1994
		CA 2209858 A	18-07-1996
		EP 0804578 A	05-11-1997
		JP 10512445 T	02-12-1998